



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

INEZ MOORE TENENBAUM
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents
District Transportation Supervisors
Area and County Supervisors

FROM: Donald N. Tudor, Director
Office of Transportation

DATE: August 9, 2004

RE: Parent or Guardian Responsibility for Students – To and From Their Bus Stop

On July 1, 2000, a proviso in the state Appropriations Act for fiscal year 2001 affirmed parental or guardian responsibility for the safety and conduct of children traveling between their home and school bus stop. Immediately after the parental responsibility proviso was adopted, the State Department of Education (SDE) advised school districts of its existence. This memorandum is to remind school districts of the parental responsibility proviso and of related communications since its adoption.

Since July 1, 2000, the parental responsibility proviso has been included in fiscal years 2002, 2003, and 2004 Appropriations Acts, and is included in the Appropriations Act for fiscal year 2005. A copy of the fiscal year 2005 parental responsibility proviso is provided below for your review.

1.35. (SDE: Parent and Guardian Responsibility) To protect the unwarranted expenditure of funds provided in Part IA, Section 1, VII.C., the parents or guardians of a child being transported on a school bus are responsible for the safety and conduct of the child prior to the arrival of the school bus at the child's designated school bus stop for pick up and transport to school, and after the school bus drops off the child and departs the child's designated school bus stop when transporting the children from school. The state's responsibility includes the arrival or departure of the school bus, which is defined as the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops and loads or unloads students, and until the school bus deactivates all pedestrian safety devices.

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The SDE requested that the State Insurance Reserve Fund (IRF) issue an opinion on the parental responsibility proviso's impact on liability and insurance issues. The IRF responded that the S.C. Code Ann. § 59-67-710 (1990) requires the Budget and Control Board to "provide insurance coverage on all state-owned buses" and requires that the coverage cover accidents that occur "while en route between home and the point of leaving [bus stop] or en route between the point of unloading [bus stop] and home." The IRF concluded that the parental responsibility proviso language did not change the mandate that insurance be provided. However, the parental responsibility proviso does focus on shifting the legal responsibility to the parent and may impact the payment of future claims. The IRF informed James C. Greene, the firm contracted to process claims, of this new parental responsibility proviso.

This proviso was developed by the SDE with the assistance of the Pupil Transportation Steering Committee for the purpose of clarifying the parent/guardian responsibility for children's safety and behavior before the bus arrives at the stop in the morning and after the bus leaves the stop in the afternoon. The SDE, while not shirking any of its responsibility for insurance coverage and student safety, encourages school districts to make parents and guardians aware of their key role in the responsibility for student safety.

DNT/bc